



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/510,390

06/14/2005

Ralf Belschner

3249 0004US

6554

29894

7590

01/26/2009

DREISS, FUHLENDORF, STEIMLE & BECKER  
POSTFACH 10 37 62  
D-70032 STUTTGART,  
GERMANY

EXAMINER

GOEL, DINESH K

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

01/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,390	<b>Applicant(s)</b> BELSCHNER ET AL.	
	<b>Examiner</b> DINESH GOEL	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9, 12, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinke et al (US Publication Number 2005/0094674) in view of Woest (US Patent Number 5444851).

**Regarding claim 9**, Zinke et al disclose (Paragraphs 0027-0029) a network system, the system comprising: an interconnecting network; a reference network node communicating with said interconnecting network, said reference node having a reference node communication time schedule; and a plurality of network nodes coupled to said interconnecting network ("10", "20", "30" in Figure 1) , said network nodes each

Art Unit: 2419

being adapted to detect, before integration as an active network node, activity of other network nodes (Paragraph 0014).

Zinke et al do not teach that if no activity is detected, to assign itself as said reference network node and to transmit position messages predetermined in a communication schedule to other network nodes, and each network node is adapted to select, if activity is detected, a network node from which a position message is received as said reference network node and to adjust its local communication time schedule to said reference node communication time schedule wherein each network node is adapted to integrate as an active network node in case of a positive result of an agreement check between said local communication time schedule and communication time schedules of at least part of active network nodes.

However, Woest discloses a system where if no activity is detected, to assign itself as said reference network node and to transmit position messages (for time synchronization) to other network nodes, and each network node is adapted to select, if activity is detected, a network node from which a position message is received as said reference network node and to adjust its local communication time schedule to said reference node communication time schedule wherein each network node is adapted to integrate as an active network node in case of a positive result of an agreement check between said local communication time schedule and communication time schedules of at least part of active network nodes (Column 46 Lines 11-38).

At the time of invention, it would have been obvious to a person of ordinary skills in the art to have modified the teachings of Zinke et al with the teachings of Woest. The

Art Unit: 2419

motivation would have been to synchronize the network nodes dynamically and quickly when those are gradually integrated in the network.

**Referring to claim 12**, Woest further teaches wherein, after detection of no activity, a network node to be integrated is adapted to examine whether a further network node attempts to integrate itself as said reference network node (Column 46 Lines 11-38).

**Regarding claims 15 and 16**, they correspond to claim 9. Claim 15 refers to a node in the system of claim 9. It has already been included in claim 9 above. Claim 16 is just a method claim for the system in claim 9.

3. Claims 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinke et al (US Publication Number 2005/0094674), in view of Woest (US Patent Number 5444851), and further in view of Taylor (US Patent Number 7035246).

**Referring to claim 10**, Zinke et al as modified, do not specifically disclose the network system wherein each network node is adapted for examination of whether its local communication time schedule coincides with communication time schedules of at least part of said active network nodes and for counting agreements and deviations,

Art Unit: 2419

wherein each network node is adapted for integration as an active network node only when a number of agreements is larger than a number of deviations.

However, Taylor teaches the network system of claim 9, wherein each network node is adapted for examination of whether its local communication time schedule coincides with communication time schedules of at least part of said active network nodes and for counting agreements and deviations, wherein each network node is adapted for integration as an active network node only when a number of agreements is larger than a number of deviations (Column 4 Lines 34-55, Column 5 Lines 64-Column 6 Line 1; Column 7 Lines 14-17; Column 8 Lines 11-14).

At the time of invention, it would have been obvious to a person of ordinary skills in the art to have modified the teachings of Zinke et al as modified, with the teachings of Taylor. The motivation would have been to synchronize the network nodes dynamically and quickly when those are integrated in to the network.

**Referring to claim 13**, Taylor further teaches that a network node to be integrated is adapted to transmit a collision message (Column 4 Lines 34-55).

**Referring to claim 14**, Taylor further wherein during examination for integration as a reference network node, each network node is adapted to initially transmit its own position message, to count incoming position messages, and to be integrated as said reference network node only if a number of correctly received position messages is

Art Unit: 2419

larger than a number of the incorrectly received position messages (Column 4 Lines 34-55, Column 5 Lines 64-Column 6 Line 1; Column 7 Lines 14-17; Column 8 Lines 11-14).

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zinke et al (US Publication Number 2005/0094674), in view of Woest (US Patent Number 5444851), and further in view of Taylor (US Patent Number 7035246), and William et al (US Patent Number 6185247).

**Referring to claim 11**, Zinke et al as modified do not specifically teach wherein each network node, for examination as to whether its said local communication time schedule coincides with the communication time schedules of at least part of said active network nodes, is provided with a time interval, in which all position messages of said active network nodes can be transmitted at least once.

However, William et al disclose (Column 2 Lines 28-39) such a method of waiting for a time period so that all position messages (reads synchronization messages) would have been received before examining.

At the time of invention, it would have been obvious to a person of ordinary skills in the art to have modified the teachings of Zinke et al as modified, with the teachings of William et al. The motivation would have been to add a method to reduce the number of unnecessary synchronization rearrangements, thereby making the synchronization more efficient and reducing the network traffic.

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on 571-272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Goel/  
Examiner, Art Unit 2419

/Daniel J. Ryman/  
Supervisory Patent Examiner, Art Unit 2419